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OCT 15 1992

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:

Policies and Rules Pertaining
to the Equal Access Obligations
of Cellular Licensees

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RM-8012

REPLY COMMENTS
OF THE
UNITED STATES TELEPHONE ASSOCIATION

The United States Telephone Association (USTA) respectfully submits these reply comments on the Petition for Rulemaking filed by MCI Communications Corporation requesting that the Commission apply the obligations of equal access to providers of cellular service.

The focus of the comments in this proceeding has been on the need for equal access in the mobile arena, i.e., whether there are significant benefits that outweigh the costs of implementing equal access for cellular mobile service. The comments of various parties have established that there are technical difficulties in the provision of at least some equal access capabilities to a cellular customer who travels across cells, MSAs, RSAs, LATAs or a particular cellular operator's service lines.¹ USTA does not take a position here as to the merits of

¹ See, for example, comments of Vanguard Cellular Systems, Inc. at 2, Unity Cellular Systems, Inc., et.al. at 6, SNET Cellular, Inc. at 5, Pioneer Telephone Cooperative Inc. at 5, Cellular

making equal access applicable to mobile users.

However, equal access for interstate callers has been a core policy of this Commission in promoting interexchange competition in fixed service - service in which the customer is in one place.

There is a strong endorsement of the "level playing field" principle that permeates the comments in this proceeding.² Regardless of how the Commission addresses this in the mobile arena, it should reaffirm its commitment to equal access in the provision of fixed service, even if that fixed service is provided using cellular radio rather than wire.

The Commission has permitted the provision of fixed service on an incidental basis in the cellular area.³ Though it proposes to retain the general policy, the Commission now has proposed to remove the provision in its rules to that effect.⁴ Should the provision of fixed service through cellular networks

Telecommunications Industry Association at 10, PMN, Inc. at 7, RFB Cellular, Inc. at 2, Cellular Information Systems, Inc. at 3, Ally, Inc. et.al. at 9 and Centel Cellular at 8.

² Comments of AT&T at 2, 4, Bell Atlantic at 4 and OPASTCO at 2.

³ Liberalization of Technology and Auxiliary Service Offerings in the Cellular Radio Service, 3 FCC Rcd 7033 (1988), recon. 5 FCC Rcd 1138 (1990).

⁴ Revision of Part 22 of the Commission's Rules Governing the Public Mobile Services, CC Docket No. 92-115, Notice of Proposed Rulemaking, released June 12, 1992.

increase, more users that rely upon a cellular telephone for basic service will be carved out from the Commission's equal access policies in the absence of a conforming equal access decision. Movement by cellular operators into fixed service could provide incentives in many cases for abandonment of the backbone networks of exchange carriers, and at the same time, abandonment of compliance with policies promoting equal access in fixed service. It would set a precedent that the Commission's policies favoring equal access for customers will be asymmetrically and unfairly applied by the Commission to providers of fixed service. It also would signal that, as competition and use of different types of access technologies grow, the Commission itself will condone the erosion or abandonment of its equal access policies.

Where specific circumstances merit it, the Commission has accepted that provision of equal access need not be offered immediately, and has permitted temporary noncompliance where capital investment demands justify offering of equal access only in the future.⁵ However, the prevailing rule remains that equal access is expected for fixed service. That should be the case for any offering of cellular fixed service. However the Commission decides this issue for mobile service, consistency in policymaking compels a policy that expects equal access for fixed

⁵ MTS and WATS Market Structure, Phase III, 94 F.C.C. 2d (1983).

applications of cellular service. The Commission could excuse cellular fixed equal access, for example, in those few rural areas where equal access has not yet been deployed by exchange carriers. As switching capability and investment progress, compliance should follow with respect to those fixed, i.e., non-mobile cellular services.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Stephanie Kantor, do certify that on October 15, 1992
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